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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,534	07/07/2000	Lynh Nguyen	ST9-99-134	9366
23373	7590	02/14/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			CHANKONG, DOHM	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,534

Applicant(s)

NGUYEN, LYNH

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1> This action is in response to Applicant's request for continued examination. Claims 1-76 are presented for further examination.

2> This is a non final rejection.

Continued Examination Under 37 CFR 1.114

3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12.6.05 has been entered.

Allowable Subject Matter

4> Claims 7-9, 11-13, 24-29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

5> Applicant's arguments with respect to claims 1-6, 10, 14-23 and 30-76 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6> Claims 1-76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Specifically, the independent claims suffer from a lack of proper antecedent basis: "providing a connection manager to facilitate *the interface* between the interface module..." [italics supplied]. The independent claims only disclose that there is a port module configured to interface between the interface module and the data source but the claim does not establish that there necessarily is any interface between the port module and the interface module. Additionally, the use of "interface" in "...configured to interface..." is a verb, not a noun, as it is used in the context of the deficient limitation: "...to facilitate the interface between...". Thus, the independent claims suffer from a lack of proper antecedent basis and the dependent claims are rejected as a result of their dependence on those claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

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person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1> Claims 1-6, 10, 14-23, 30-32, 34-56, 58-62 and 64-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Polizzi et al, U.S Patent Publication No. 2002/0023158 ["Polizzi"] in view of Brendel et al, U.S Patent No. 5,774,660 ["Brendel"].

7> Regarding claims 35 and 64-67, Polizzi discloses a method, apparatus and program product (hereinafter a "system") comprising:

providing at least one interface module to interface with a remote application (115, fig. 1);

providing port module to interface between interface module and data source (service agent, 130, fig. 1);

providing a connection manager to facilitate between the interface module and port module (service broker (125) Fig.1; ¶ 4, 6 and 21).

Polizzi does not expressly disclose connecting directly the interface module and the port module for communicating independently from the connection manager in subsequent communications.

8> Brendel discloses a system whereby a load balancer is responsible for facilitating between a user and a remote application such as a server [Figure 6]. After the connection has been facilitated, the user and the remote application may connect directly with one another

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allowing subsequent communications from the server to be sent to the user such that the load balancer is bypassed [column 9 «lines 18-21»].

It would have been obvious to one ordinary skill in the art to modify Polizzi's system to incorporate Brendel's teachings; that is, to enable direct communications between Polizzi's network interface and agents, bypassing the service broker, to reduce the amount of bandwidth that must flow through the broker [see Brendel, column 9 «lines 60-64»]. Such a modification in Polizzi's system would provide substantial improvement in Polizzi's service broker, as evidenced by the reduction in workload of Brendel's load balancer. Polizzi's service broker and Brendel's load balancer are analogous as they both responsible for establishing connections between user and remote applications [see Polizzi, 0021 & Brendel, column 6 «lines 25-26»].

9> Regarding claims 1, 16, 18, 29, 53-55, 58-61, 68-69, 71-72 and 74-75, Polizzi discloses method, apparatus and program product (hereinafter a "system") comprising:

providing at least one interface module to interface with a remote application (115, fig. 1);

providing port module to interface between interface module and data source (service agent, 130, fig. 1);

providing a connection manager to facilitate between the interface module and port module (service broker (125) Fig.1; ¶ 4, 6 and 21).

By disclosing the inventive concept of having directly output report from back-end server to a user in accordance with previously presented SQL (¶25), Polizzi inherently discloses establishing direct connection between the interface module and the port module.

Polizzi does not expressly disclose connecting directly the interface module and the port module for communicating independently from the connection manager in subsequent communications.

10> Brendel discloses a system whereby a load balancer is responsible for facilitating between a user and a remote application such as a server [Figure 6]. After the connection has been facilitated, the user and the remote application may connect directly with one another allowing subsequent communications from the server to be sent to the user such that the load balancer is bypassed [column 9 «lines 18-21»].

It would have been obvious to one ordinary skill in the art to modify Polizzi's system to incorporate Brendel's teachings; that is, to enable direct communications between Polizzi's network interface and agents, bypassing the service broker, to reduce the amount of bandwidth that must flow through the broker [see Brendel, column 9 «lines 60-64»]. Such a modification in Polizzi's system would provide substantial improvement in Polizzi's service broker, as evidenced by the reduction in workload of Brendel's load balancer. Polizzi's service broker and Brendel's load balancer are analogous as they both responsible for establishing connections between user and remote applications [see Polizzi, 0021 & Brendel, column 6 «lines 25-26»].

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11> Regarding claims 2, 19 and 36, conventionally, initialization is required in for resetting or restarting computer hardware or software, thereby Polizzi, inherently teaches initialization of service broker at least at the time of starting the program.

12> Regarding claims 3, 22, 39 and 40, Polizzi discloses establishing connection between the connection manager and the port module (Polizzi's broker communicates with service agent).

13> Regarding claims 4, 10, 14-15, 23, 30-32, 41-42, 48-52, 56-57, 62, 70, 73 and 76, Polizzi discloses the service agents appear on web client as objects, which inherently include object identifiers, and upon selection of one of the service agents or objects, the selected service agent can process job, e.g., SQL, and return the job or SQL report directly to the user (§ 4, 6, 21 and 25). The teaching implied direct connection between web client and agent.

14> Regarding claims 5-6, 20-21 and 37-38, Polizzi discloses its' portal includes authentication server for authenticate web client (§ 23, 24, 30, 36, 40).

15> Regarding claims 17 and 34, as discussed in claim 1, since the report of the job or SQL can be send directly to web client, after the web client post the request on ad hoc or predetermined schedule (§ 25-26). This also implied disconnection between web client and service agent.

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16> Regarding claims 43-47, Polizzi discloses parameters are arranged in hierarchical relation (Fig. 3-5).

17> Claims 33, 57 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polizzi and Brendel.

18> Claims 33, 57 and 63 fully or partially reiterate claims 18 or 35 for supporting a duplicate part, i.e., port and interface modules. Although Polizzi may have disclosed a single web client, however, making a plurality of web client is merely duplicate part, which the court held that it has no patentable significance unless a new and unexpected result is produced, *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Conclusion

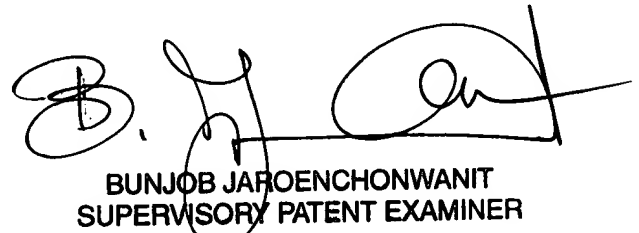
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER